

# City Council Agenda

Council President  
Clinton J. Olivier

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Lee Brand

Sal Quintero  
Larry Westerlund  
Blong Xiong – Acting President

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## July 26, 2012

Councilmember Borgeas may be present via conference call from the Municipal Office of Amorgos Island (Greece) located in Dimos Katapola

### 8:30 A.M. ROLL CALL

Invocation by Associate Pastor Darryl Du'chene of the Faith Worship Christian Center

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Presentation of P.R.I.D.E. Team Certificates – (Reception immediately following – 2<sup>ND</sup> floor foyer) - Rescheduled for August 16, 2012

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of July 19, 2012

**Action Taken:** Approved

Approve City of Fresno Cultural Arts Properties (COFCAP) minutes of **June 28, 2012**

*(Members Baines, Olivier and Swearengin)*

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Reports made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

**8:30 A.M.      Actions relating to residential collection services – Department of Public Utilities**

- a. Report to City Council regarding the feasibility of franchising residential solid waste services  
**Action Taken:** Accepted
- b. Execute a consulting agreement, not to exceed \$200,000 with HF&H Consultants, LLC (HF&H), for the purpose of soliciting, evaluating and recommending one or more proposers to perform residential collection services – Department of Public Utilities  
**Action Taken:** Action continued to 8/16/2012

**1. CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION - Placing the nomination of Martin A. Querin, PE, as a board member of the Association of California Water Agencies (ACWA) Region 6 – Department of Public Utilities**  
**Action Taken:** Resolution No. 2012-138 adopted

- B. \* **RESOLUTION - 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$25,000.00 in Safe Kids Central Valley funds for street sign improvements near schools (Requires 5 affirmative votes) – Public Works Department**  
**Action Taken:** Resolution No. 2012-139 adopted

1. **CONSENT CALENDAR CONTINUED**

C. **Actions pertaining to the Northeast Surface Water Treatment Facility (Property located in Council 4) – Public Works Department**

1. Approve the filing of Notice of Intent to Adopt Mitigated Negative Declaration EA-A-09-02, by the City of Fresno, to extend its water transmission capability to deliver water from the Northeast Surface Water Treatment Facility to the central portion of the City's service area and to install a 30" transmission main beneath State Route 168 at N. Bonadelle Avenue and E. Alamos Avenue, one block south of Shaw Avenue and connecting on the east side of Freeway 168 at the Dry Creek Canal and Chestnut Avenue
2. Approve acquisition of a vacant parcel of land for \$40,000.00 for a 30" water main easement owned by Summerset Limited, Inc., located on the west side of State Route 168 at E. Alamos Avenue and N. Bonadelle Avenue and identified as APN 430-334-02

**Action Taken:** Removed from the agenda

D. **Approve the appointment of Randall Reed to the Planning Commission and the reappointments of Kendall Groom and Jennette Williams to the Fresno Metropolitan Flood Control District – Mayor's Office**

**Action Taken:** Approved

E. **Authorize the Chief of Police to enter into an agreement with Fresno County Superintendent of Schools to provide one (1) School Resource Officer at 100% of the actual cost of the officer, administrative fees and the operation and maintenance costs of one (1) patrol vehicle for a total of \$118,939.00 – Police Department**

**Action Taken:** Authorized

**CONTESTED CONSENT CALENDAR**

**GENERAL ADMINISTRATION**

A. \* **RESOLUTION – Submitting to City electors a proposal to amend the Charter relating to fiscal management, by requiring Council to establish a policy for managing reserves, a policy for managing debts, and a policy for establishing a due diligence process when the private sector requests financial assistance that exceeds \$1 million and providing for the placement of the measure on the November 6, 2012 general election**

**Action Taken:** Resolution No. 2012-140 adopted

B. **Approve a contract in the amount of \$1,524,000 to Sharp Inspection Group, inc. for construction management services on the City of Fresno Commercial Water Meter Retrofit Program – Department of Public Utilities**

**Action Taken:** Approved

C. **Actions pertaining to the Jensen Avenue bridge rehabilitation – Public Works Department**

1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (d) of the CEQA Guidelines, for the Jensen Avenue bridge rehabilitation

**Action Taken:** Adopted

2. Award a construction contract with American Paving Company of Fresno, California, in the amount of \$2,458,129 for the Jensen Avenue bridge rehabilitation (**Property located in Districts 3 and 5**)

**Action Taken:** Awarded

## GENERAL ADMINISTRATION CONTINUED

### D. **Actions pertaining to the Home Energy Tune-up Program - Development and Resource Management Department**

1. \* **RESOLUTION** – 4th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$500,000.00 of funding provided by Pacific Gas & Electric (PG&E) under the Local Government Partnership Program Contract No. 4400004295 for implementation of the Home Energy Tune-up Program in Fresno and Madera counties ***(Requires 5 affirmative votes)***  
**Action Taken:** **Resolution No. 2012-141 adopted**
2. Uphold City Manager's Office determination to bypass the established objective selection process pursuant to Fresno Municipal Code Section 4-107(h)  
**Action Taken:** **Upheld**
3. Authorize the Interim Director of the Development and Resource Management Department to revive and amend the consulting services contract for Home Energy Rating System (HERS) II whole house rater testing and reporting services for the Home Energy Tune-up Program with Consol of Stockton, CA to extend the maturity and increase the amount by \$500,000.00  
**Action Taken:** **Authorized**

## SCHEDULED COUNCIL HEARINGS AND MATTERS

### 10:00 A.M. **HEARING to consider the proposed annual assessments for Landscaping and Lighting Maintenance District (LLMD) No. 1 (City wide) – Public Works Department**

#### **Action Taken:** **Held**

- a. **RESOLUTION** – Confirming diagram and assessment and levy of annual assessment, 2012-21013, for Landscaping and Lighting Maintenance District (LLMD) No. 1 (City wide)  
**Action Taken:** **Resolution No. 2012-142 adopted**

### 10:15 A.M.#1 **HEARING to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area (Property located in Districts 1 – 6) – Public Works Department (Continue to August 16, 2012 at 1:15 P.M.)**

#### **Action Taken:** **Continued as noted**

### 10:15 A.M.#2 **JOINT MEETING OF THE HOUSING SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL**

Approve Successor Agency minutes of **June 28, 2012**

#### **Action Taken:** **Approved**

Approve Fresno Revitalization Corporation minutes of **June 28, 2012**

#### **Action Taken:** **Approved**

- A. **Approve First Amendment to the Purchase Option Negotiation Agreement (PONA) between the City of Fresno acting as the Housing Successor Agency to the Redevelopment Agency of the City of Fresno and AMCAL Allied Fund, Inc. a California Corporation, for a 0.29 acre parcel APN# 470-052-01T (City and Successor Agency action)**

#### **Action Taken:** **Approved**

## ADJOURN

## CITY COUNCIL

- A. \* **BILL NO. B-14 – (Intro. 6/28/2012) / (For adoption) – Amending Chapter 9, Article 21 of the Fresno Municipal Code increasing the maximum number of card room tables within the City of Fresno to 51, and no more than 51 card tables per card room as approved by the State Gaming Commission – Councilmember Baines**

#### **Action Taken:** **Ordinance No. 2012-16 adopted**

1. Awarding of the two (2) additional tables to Club One Casino

#### **Action Taken:** **Resolution to be brought back**

## CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Fresno Local Agency Formation Commission (LAFCO); Granville Homes, Inc., Real Party in Interest; Fresno County Superior Court Case No. 12 CE CG 01822
  2. **Case Name:** Kenneth Gong v. 21st District Agricultural Association, et al. Fresno County Superior Court Case No.: 09 CE CG 03616 AMC  
**Action Taken:** Held

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

### SCHEDULED COMMUNICATION –

1. Appearance by Laurie Ann Keith-James to discuss her concerns regarding the Section 8 Housing Choice Program - Not present when called

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	2 -		<b>NO MEETING – COUNCIL VACATION</b>
Aug.	9 -		<b>NO MEETING – COUNCIL VACATION</b>
Aug.	16 -	<b>1:00 P.M.</b>	<b>HEARING</b> to consider a resolution of public use and necessity for the acquisition of a portion of APN 477-021-23, owned by La Jolla Loans, a California Corporation, for the construction of a ponding basin for the adjacent Veterans Home and the widening of Marks Avenue south of California Avenue
Aug.	16 -	<b>1:15 P.M.</b>	<b>CONTINUED HEARING</b> to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1-44 into a single UGM area-wide Oversize Sewer Service Area ( <b><i>Property located in Districts 1 – 6</i></b> )
Aug.	16 -	<b>TBA (P.M.)</b>	Execute a consulting agreement, not to exceed \$200,000 with HF&H Consultants, LLC (HF&H), for the purpose of soliciting, evaluating and recommending one or more proposers to perform residential collection services – Department of Public Utilities
Aug.	23 -	<b>5:00 P.M.</b>	<b>HEARING</b> re: introduction of Draft General Plan for CEQA – Development and Resource Management Department
Aug.	30 -	<b>10:00 A.M.</b>	<b>HEARING</b> re: Plan Amendment Application No. A-12-001: Approve amendment to the Fresno Yosemite International Airport Land Use Compatibility Plan, the 2025 Fresno General Plan, and the McLane, Hoover and Roosevelt Community Plans to incorporate Runway Safety Area Improvements to Runway 11L-29R and to update the noise and safety boundaries based on new airport projections
Aug.	30 -	<b>5:00 P.M.</b>	<b>HEARING</b> re: approval of Draft General Plan for CEQA – Development and Resource Management Department
Sept.	6 -		<b>NO MEETING – COUNCIL VACATION</b>
Sept.	13 -		<b>NO MEETING – COUNCIL VACATION</b>
Sept.	20 -	<b>1:00 P.M.</b>	<b>HEARING</b> to adopt a resolution ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley ( <b><i>Property located in District 3</i></b> )

